



PATENT

IMAGE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S) : Kevin M. Patfield  
TITLE : PRESENCE DETECTION FOR IP TELEPHONY  
APPLICATION NO. : 10/714,201  
FILED : November 14, 2003  
CONFIRMATION NO. : 2661  
EXAMINER : Creighton H. Smith  
ART UNIT : 2645  
LAST OFFICE ACTION : June 3, 2005  
ATTORNEY DOCKET NO. : LUTZ 2 00227  
Case Name/No. Patfield 3

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **June 3, 2005** finally rejecting claims 1-5, 7-11, 13, 14, 16 and 18. A Pre-Appeal Brief Request for Review is being filed herewith.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

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500.00 DP

3. **EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a \_\_\_\_\_-month extension of time up to and including \_\_\_\_\_ in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$500.00  
 Extension of Time Fee: \$       .00

5. **METHOD OF PAYMENT**

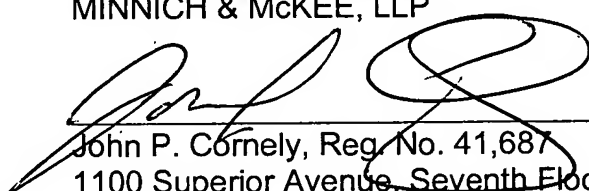
☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
 MINNICH & McKEE, LLP

September 6, 2005

Date

  
 John P. Cornely, Reg. No. 41,687  
 1100 Superior Avenue, Seventh Floor  
 Cleveland, OH 44114-2579  
 216-861-5582

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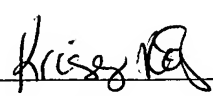
**CERTIFICATE OF MAILING**

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature 
Date September 6, 2005	Printed Name Krisey Riley